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Attorney for Defendant
Defendant Peacock Gap Holdings LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABDUL NEVAREZ and PRISICLLA
NEVAREZ,

Plaintiffs,
vs.

PEACOCK GAP HOLDINGS LLC AND
DOES 1-10, Inclusive

Defendants.

No. 4:17-cv-03480-KAW

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME UNDER
Fed.R.Civ.P. RULE 12(f)**

STIPULATION

WHEREAS, this case has been assigned for early disclosures and mediation
under General Order 56;

1 WHEREAS, plaintiffs' deadline for filing a motion under Federal Rule of Civil
2 Procedure ("Fed.R.Civ.P.") 12(f) regarding the Answer by defendant Peacock Gap
3 Holdings LLC is November 24, 2017;

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5 WHEREAS, plaintiffs and defendant wish to avoid the time and expense of
6 briefing Fed.R.Civ.P. 12(f) motions until/unless mediation under General Order 56 does
7 not succeed; and

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9 IT IS HEREBY STIPUALTED by and among the parties that the deadline for
10 plaintiffs to file any motion under Fed.R.Civ.P. 12(f) be extended to 21 days past the
11 date the mediator certifies that mediation under General Order 56 has been completed,
12 or when the Court orders that the parties are no longer under General Order 56,
13 whichever occurs first (hereinafter "triggering event"). It is also stipulated that 1) the
14 parties shall meet and confer within 7 days of the triggering event; 2) defendant shall
15 thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiffs
16 filing any Fed.R.Civ.P. 12(f) motion and 3) that any amended answer shall be filed no
17 later than 7 days after the parties meet and confer.
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21 **IT IS SO STIPULATED.**

22 Dated: November 6, 2017 PEIFFER, ROSCA, WOLF, ABDULLAH, CARR &
23 KANE

24 s/ Catherine Cabalo

25 By: Catherine Cabalo

26 Attorney for Plaintiffs

ABDUL NEVAREZ and PRISCILLA NEVAREZ

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1 Dated: November 6, 2017 LAW OFFICE OF JASON G. GONG
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3 s/ Jason Gong
4 By: Jason Gong
5 Attorney for Defendant
6 PEACOCK GAP HOLDINGS LLC
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9 **SIGNATURE ATTESTATION**

10 Pursuant to Civil L.R. 5-1(i), I hereby attest that concurrence in the filing of this
11 document had been obtained from each of the other signatory whose signature is
12 indicated by a conformed signature (“/s/”) within this e-filed document.
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15 Dated: November 6, 2017 s/ Catherine Cabalo
16 Catherine Cabalo
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ORDER

Pursuant to the stipulation of the parties, and for good cause shown, it is hereby ORDERED that the deadline for plaintiffs to file any motion under Fed.R.Civ.P. 12(f) be extended to 21 days past the date the mediator certifies that mediation under General Order 56 has been completed, or when the Court orders that the parties are no longer under General Order 56, whichever occurs first (hereinafter “triggering event”). It is also stipulated that 1) the parties shall meet and confer within 7 days of the triggering event; 2) defendant shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any Fed.R.Civ.P. 12(f) motion and 3) that any amended answer shall be filed no later than 7 days after the parties meet and confer.

IT IS SO ORDERED.

Dated: November 7, 2017


The Honorable Kandis A. Westmore
UNITED STATES MAGISTRATE JUDGE